IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 228 OF 2006

Pramod Tukaram Gaikwad ..Applicant
V/s
State of Maharashtra ..Respondent.

Mr. B.R. Patil, Advocate h/f Mr. A.B. Vagyani, Advocate for the applicant.

Mr. U.N. Nikam, A.P.P.for the State.

CORAM : J.H. BHATIA, J.

DATE : 23RD FEBRUARY, 2007.

P.C.

. Heard Mr. Patil, learned Counsel for the applicant and Mr. Nikam, learned APP for the State. It appears that the Sessions Judge, Kolhapur transferred the Sessions Case No. 71/2005 from the file of 5th Ad-hoc Additional Sessions Judge to the file of 2nd Ad-hoc Additional Sessions Judge and the complainant, who is the present applicant seeks that order be quashed. It appears that the same order was challenged by the State of Maharashtra also in Criminal Revision Application No. 223/2006. That revision application was dismissed by this Court (Coram: A.S. Oka, J>) by order dated 28th September, 2006. It was noted that the

earlier on administrative ground the learned Sessions Judge had transferred the case from the Court of 2nd Ad-hoc Additional Sessions Judge to 5th Ad-hoc Additional Sessions Judge. However, after passing that order he noted that the charge was already framed by 2nd Ad-hoc Additional Sessions Judge and the matter was fixed for trial on 1st March, 2006 and in view of framing of the charge, the trial had commenced and the Sessions Judge had no power to transfer the part-heard case from the file of one Additional Sessions Judge to another Additional Sessions Judge. In view of this, he revoked his earlier order and directed that the Sessions Case shall be continued to be on the file of 2nd Ad-hoc Additional Sessions Judge. This Court found that the order passed by the Sessions Judge is as per law and needs no interference.

2. There is no reason for the complainant to agitate the same point in this application.

3. Application stands rejected.

(J.H. BHATIA, J.)